



**AGENDA**  
**RIO DELL PLANNING COMMISSION**  
**SPECIAL MEETING - 6:30 P.M.**  
**TUESDAY, MAY 14, 2013**  
**CITY COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

*WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue and on the City's website at [riodellcity.com](http://riodellcity.com). Your City government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

**THE TYPE OF COMMISSION BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS.**

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL

E. CONSENT CALENDAR

1) 2013/0514.01 - Approve Minutes of the April 24, 2013 Regular Meeting (**ACTION**) 1

F. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

1) 2013/0514.02 - Public Hearing/ Approve Resolution No. PC 062-2013 Recommending Approval of the Conditional Use Permit (CUP) for the Journey (Assembly of God Church) for a 6' X 10' Sign (**ACTION**) 4

- 2) 2013/0514.03 - Public Hearing/ Approve Resolution No. PC 063-2013 Recommending Approval to Amend the Non-Conforming Use Regulations, Section 17.30.160 of the Rio Dell Municipal Code **(ACTION)** 20

#### H. CONTINUED PUBLIC HEARING

- 3) 2013/0514.04 - Review Draft Zoning Matrix Code and Provide Staff Direction on Proposed Revisions **(ACTION)** 34

#### I. REPORTS/STAFF COMMUNICATIONS

#### J. ADJOURNMENT

*The next Regular Planning Commission meeting is scheduled for  
June 26, 2013 at 6:30 p.m. in the City Council Chambers*

**CITY OF RIO DELL  
PLANNING COMMISSION  
REGULAR MEETING  
APRIL 24, 2013**

**CALL TO ORDER**

The Regular meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Planning Commissioner Johnson.

Present were Commissioners Johnson, Angeloff, and Millington. Absent were Commissioners Chapman and Long.

Others present were Community Development Director Caldwell, and City Clerk Dunham.

**CONSENT CALENDAR**

Motion was made by Millington/Angeloff to approve the consent calendar including the approval of minutes of the March 27, 2013 regular meeting. Motion carried 3-0.

**PUBLIC PRESENTATIONS**

None

**SCHEDULED MATTERS/PUBLIC HEARINGS**

Public Hearing/Approve Resolution No. 061-2013 Recommending the City Council Approve the Circulation Element

Community Development Director Caldwell provided a staff report and said the Draft Circulation Element was presented to the Commission for review and comment at the January and March meetings and the revised draft is now before the Commission for recommended approval by the City Council. He stated at the March 27<sup>th</sup> meeting, the Goals, Policies and Implementation Measures were discussed and the Commission suggested language be included encouraging the re-establishment of rail transit services, including freight and tourist service and the establishment of an Off Highway Vehicle Park in the area. As a result, staff modified the language to include additional Goals, Policies and Implementation Measures.

Commissioner Angeloff suggested further revision to Implementation CE 5-1.a. to read: Encourage re-establishing regional rail service (in and out of the County) *including connecting to the National Rail Network*. Also under *Responsibility*, to include *The Timber Heritage Association*.

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APRIL 24, 2013 MINUTES  
Page 2**

Community Development Director Caldwell then reviewed the procedures for Plan Amendments and required findings in accordance with the applicable provisions of the California Government Code and CEQA. He said the Circulation Element does not include any new roads or road networks within the City and any potential environmental impacts associated with the development of new roads, sidewalks and trails are evaluated at the time of application of a development project. He said based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines.

Community Development Director Caldwell then provided to Commissioners a map identifying major collectors, minor collectors, local roads and a proposed trail system throughout the City.

There was no one present in the audience for public comment.

Motion was made by Angeloff/Millington to approve *Resolution No. 061-2013 Recommending Approval of the Circulation Element General Plan Amendment* as amended. Motion carried 3-0.

Zoning Matrix Code

Community Development Director Caldwell stated one of the goals of the Community Development Department is to prepare a Zoning Use Matrix that identifies the principally and conditionally permitted uses for each of the zoning districts, and to also identify use types that are not currently defined within the Zoning Ordinance or possibly not compatible with other allowed uses in that zone.

Community Development Director Caldwell presented a Draft Land Use Matrix and proceeded with review of the various zoning districts and non-residential use types.

Commissioner Angeloff commented that the list of allowable uses should be as complete as possible and suggested staff look at other jurisdictions to make sure nothing is omitted.

Commissioner Johnson asked if the matrix will be incorporated into the Zoning Ordinance; Community Development Caldwell said that it will be. It was also suggested that a copy of the matrix be provided to local developers

Commissioner Angeloff suggested a new zoning map be attached to the matrix; Community Development Director Caldwell said the County's Planning Department is in the process of creating an updated General Plan/Zoning map and should be available by the end of the week.

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APRIL 24, 2013 MINUTES  
Page 3**

Community Development Director Caldwell said there currently are no Public Uses defined and as such language needs to be incorporated.

Discussion continued regarding the procedure for processing Conditional Use Permits. Community Development Caldwell commented that it is a high priority of the City Council to facilitate orderly development within the City.

Community Development Director Caldwell stated the Matrix will be continued to the May meeting for further discussion.

**REPORTS/STAFF COMMUNICATIONS**

Community Development Director Caldwell stated he was contacted by the Pastor of the Assembly of God Church requesting a Special Planning Commission meeting be scheduled to consider their application for a Conditional Use Permit for their new sign prior to their Open House to be held on May 18, 2013.

A special meeting was scheduled for Tuesday, May 14, 2013 at 6:30 p.m.

Community Development Director Caldwell then reported that the CDBG Reuse Plan was approved; staff is in the process of updating the Business License provisions; a copy of the City Staff Work Plans will be provided to commissioners after approval by the City Council; said staff was once again contacted by the Dollar General regarding potential development; and said DANCO met with City staff and discussed plans for the construction of a 26 unit senior housing project on Center St.

There was a brief discussion regarding potential future development impact fees.

Commissioner Johnson announced he was resigning from the Planning Commission effective at the close of this meeting due to his recent appointment to the Rio Dell City Council. He submitted a letter of resignation and said it has been a joy working with fellow commissioners and city staff.

**ADJOURNMENT**

The meeting adjourned at 7:15 p.m. to the May 14, 2013 special meeting.

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Gordon Johnson, Vice- Chair

Attest:

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Karen Dunham, City Clerk


675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: May 14, 2013

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretton, City Manager 

Date: April 30, 2013

Subject: Journey (Assembly of God Church) Conditional Use Permit  
File No. 052-181-011; Case No. CUP 13-01

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**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit for a new sign;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, find that:
  - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
  - (b) The proposed use is consistent with the general plan and any applicable specific plan;
  - (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
  - (d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
  - (e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f)The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 062-2013 approving the Conditional Use Permit.

## Summary

The Assembly of God Church has made application for a Conditional Use Permit to allow the placement of a 6' x 10' (60 square feet), non-illuminated sign on the existing roof over the entry to the church. Please see Attachment 2. The proposed sign will not extend above the existing ridge line of the building.

## Required Findings/Staff Analysis

### Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

#### 1. Zoning Consistency

*(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;*

Section 17.30.260(d) of the Rio Dell Municipal Code contains the applicable sign provisions. Below is a copy of the pertinent regulation:

*(d) Signs, not illuminated, appurtenant to any permitted use, not over 75 square feet in the aggregate and divided into not more than three single or double signs shall be permitted with a use permit in any zone except urban residential, suburban residential, or suburban zones.*

The church property consists of two Assessor Parcel Numbers (APN's), 052-181-011 and 052-181-013. APN 052-181-013 contains a portion of the parking lot and is zoned Urban Residential (UR). The Urban Residential zone is intended to provide neighborhood residential areas with varying densities for single family dwellings. Churches are identified as a conditionally permitted use. APN 052-181-011 is developed with the church and is zoned Rural. The Rural or R zone is intended to provide for agricultural and very low density residential uses. Civic and cultural uses are allowed with a Conditional Use Permit. A Conditional Use Permit to facilitate construction of the church was approved in 1977. Therefore the use (church) is a permitted use.

Staff is not sure why the parcels are not zoned alike. However, in this case, it works to the applicant's advantage. If the church were located in the Urban Residential zone, the church would be limited to a two square foot nameplate including only the name and address of the use. In order to exceed the two square foot limit a Variance would be required.

There is an existing 14 square foot sign in front of the church. Therefore, with the addition of the proposed 6' x 10' (60 square feet) sign, the appurtenant signage will not exceed the seventy five (75) square foot limit. It's anticipated that the height of the sign will be less than fifteen (15) feet. The Rural zoning designation allows a maximum building height of 45 feet. The proposed

sign complies with the maximum allowable size and the allowed building height. In addition, there are no other provisions in the zoning regulations that would preclude the placement of the sign. Therefore, the proposed sign complies with the applicable zoning regulations in that it is: (1) non-illuminated; (2) appurtenant to a permitted use; (3) does not exceed the maximum aggregate size of seventy five (75) square feet; and (4) does not exceed the allowable height limit in the zone.

## **2. General Plan Consistency**

*(b) The proposed use is consistent with the general plan and any applicable specific plan;*

Again, the existing use was permitted in 1977 and is therefore a permitted use. In addition, the Rural General Plan designation identifies “cultural” uses as permitted uses. The proposed sign is appurtenant and accessory to the permitted use.

There are no policies in the General Plan which would prohibit the placement of the sign. Therefore, the proposed sign is consistent with the goals and policies of the General Plan.

## **3. Land Use Compatibility**

*(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

The property fronts on Belleview Avenue, which is immediately adjacent to Highway 101. The area is an existing, established residential area. The nearest residence to the east is well over 600 feet away. River Street is immediately west of the project site. Immediately south of the project site is an existing residence. The sign will not be visible from any residences in the area and will only be visible from Belleview Avenue and Highway 101.

Based on the surrounding land uses and their location, the addition of a 6' x 10' (60 square foot), non-illuminated sign to the roof of the entry way over the church should have little, if any impact on the existing and future land uses in the vicinity.

## **4. Site Suitability**

*(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;*

Again, the use is an established permitted use. The proposed sign is considered an appurtenant, accessory use to the existing church. As such, staff believes that site is suitable to accommodate the proposed sign. At the time a Building Permit is applied for, the Building Inspector will review the plans to ensure that the roof is capable of supporting the additional load of the sign. Based on the plans and the existing roof structure, the Building Inspector may require that the sign, including the anchoring be engineered to withstand wind loads. Staff has conditioned the project to require a Building Permit for the sign. Please see Exhibit A.

## **5. Public Interest, Health, Safety and Welfare**

*(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;*



There is no evidence to suggest that the proposed sign would be detrimental to the public interest, health, safety, convenience or welfare, or materially injurious to persons, property, or improvements in the vicinity. Again, a recommended condition of approval is to require a Building Permit and any necessary engineering to ensure that the sign is constructed and mounted so as to not be detrimental to the public health and safety.

## **6. California Environmental Quality Act**

Based on the proposed project, staff has determined that the project is Categorical Exempt pursuant to Class 1 and Class 3, Sections 15301 and 15303 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Section 15301 applies to the repair, maintenance and minor alteration of existing structures. Section 15303 applies to the construction or conversion of small structures.

### **Attachments:**

Attachment 1: Exhibit A, Recommended Conditions of Approval.

Attachment 2: Application, Sign Rendering and Referral Package.

Attachment 3: Resolution No. PC 062-2013

Attachment 4: CEQA Notice of Exemption

**EXHIBIT A**  
**Conditions of Approval**

**Approval of the Variance is conditioned upon the following terms and requirements:**

1. The applicant shall pay the \$50.00 CEQA Notice of Exemption filing fee (payable to the County of Humboldt) within five (5) days all other associated processing fees within 30 days of billing and prior to the issuance of the required Building Permit.
2. The applicant shall obtain a Building Permit for the proposed sign.

**INSTRUCTIONS:**

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule a Pre-Application meeting with the Community Development Department. A minimal fee is required for the meeting. This is not a mandatory meeting, however, Pre-Application meeting will identify potential issues associated with the project and could help avoid processing delays.
3. Applicant/Agent must submit all marked items on the reverse side of this form.

**SECTION I**

**APPLICANT** (Project will be processed under the Business name, if applicable.)

Business Name: The Journey  
Contact Person: Jeff Miller  
Mailing Address: P.O. Box 236  
City, St, Zip: Rio Dell, CA 95562  
Phone: 499-4752 Fax: 707-725-5948  
Email: JEFFMILLER77@GMAIL.COM

**AGENT** (Communications from the City will be directed to agent.)

Business Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, St, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**OWNER(S) OF RECORD** (If different from applicant.)

Owner's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, St, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

Owner's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, St, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**PROJECT LOCATION**

Address: 95 Bellevue, Rio Dell Parcel Size (acres or sq. ft.) 1/2 Acre  
Assessor Parcel Number(s) 52-181-11

**SECTION II**

**PROJECT DESCRIPTION** Describe the proposed project (attach additional sheets if necessary)

ERECT A 6 X 10 FOOT SIGN ON THE FLAT PART  
OF THE ROOF ABOVE THE ENTRY WAY. A ROUGH DRAWING WAS  
SUBMITTED IN FEB. ATTACHED IS VERY CLOSE TO WHAT IT  
WILL LOOK LIKE.

**SECTION III**

**OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT**

I hereby authorize the City of Rio Dell to process this application for a development permit and further authorize the City of Rio Dell and employees of the California Department of Fish and Game to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are not complete or do not contain truthful and accurate information will be delayed, and may result in denial or revocation of approvals. I further acknowledge that the applicant is responsible to pay 100% of all actual costs based on the City current hourly burdened rates. If processing costs exceed 80% of the deposit, an additional deposit will be required to continue processing the application. The City will not commence with the processing of any application or consultation unless accounts owed the City are paid in full.

\_\_\_\_\_  
Applicant's Signature Date 4-12-13

If the applicant is not the owner of record: I hereby authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.

\_\_\_\_\_  
Owner of Record Signature Date \_\_\_\_\_  
\_\_\_\_\_  
Owner of Record Signature Date \_\_\_\_\_

APR 15

**THE**  
**OUR**  
**NEY**  
**EXPERIENCE GOD'S JOY!**



Assembly of God Church  
Proposed 6' x 10' Non-Illuminated Sign





675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532

Community Development Department

### Project Referral

Date: April 23, 2013

- To:
- ☒ Public Works
  - ☒ Rio Dell Fire District
  - ☒ Rio Dell Police Department
  - ☐ County Environmental Health
  - ☐ County Planning Department
  - ☐ Regional Water Quality Control Board

- ☐ Building Inspection; Arnie Kemp
- ☒ Rio Dell City Manager
- ☐ City Engineer (Merritt Perry @ GHD)
- ☒ Caltrans District #1
- ☐ Fish and Game
- ☒ Applicant/Agent

Applicant: Assembly of God Church

Agent:

Address: 95 Bellevue Avenue

Address:

City/State/Zip: Rio Dell, CA. 95562

City/State/Zip:

Telephone: (707) 499-4752

Telephone:

Email: jeffmiller77@gmail.com

Email:

Assessor Parcel Number(s): 052-181-011 General Plan/Zoning Designation: Rural Residential

**Project Description:** An application for a Conditional Use Permit to allow the placement of a 6' x 10', non-illuminated sign on the roof, over the entry on the Assembly of God Church.

**Project Location:** The project site is located at 95 Bellevue Avenue, at the intersection of Bellevue Avenue and River Street.

Please review the attached information regarding the above referenced project and provide your comments with any recommended conditions of approval **within 15 calendar days** of the above date. If no response is received or a request for an extension is not received within 15 calendar days of the above date, it will be assumed that your agency has no comments or concerns regarding the project. **The project is expected to be heard at the Planning Commission meeting of May 15, 2013.**

If you have any questions concerning the project, please contact Kevin Caldwell, Community Development Director between 8:00 a.m. and 5:00 p.m. Monday through Friday at (707) 764-3532.

We have reviewed the above referenced application and recommend the following (please check one):

- ☐ Recommend approval. The Department has no comment at this time.
- ☐ Recommend conditional approval. Suggested conditions attached.
- ☐ Other comments:

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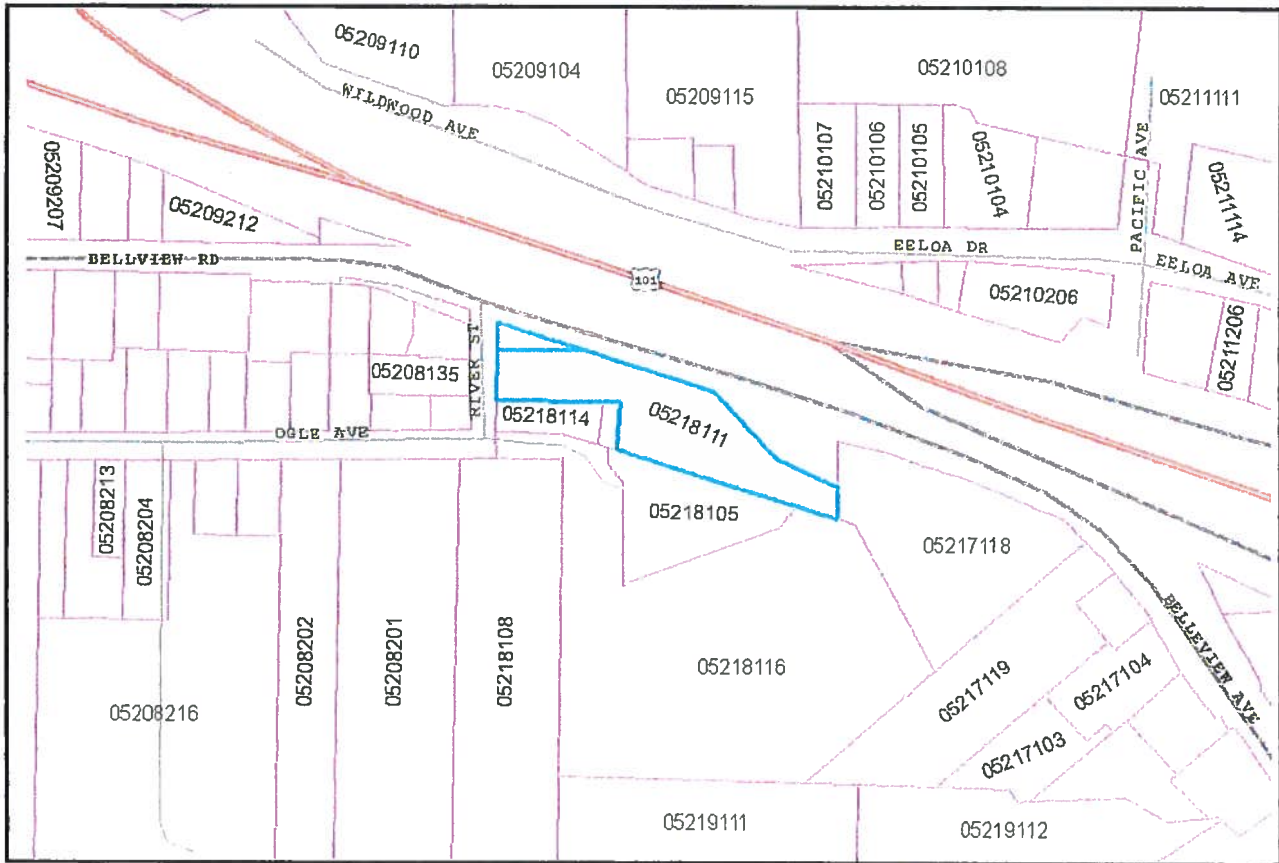
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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532

Community Development Department



Vicinity Map

Applicant: Assembly of God Church  
Address: 95 Bellevue Avenue  
City/State/Zip: Rio Dell, CA. 95562  
Telephone: (707) 499-4752  
Email: jeffmiller77@gmail.com

Agent: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

Assessor Parcel Number(s): 052-181-011 General Plan/Zoning Designation: Rural Residential

**Project Description:** An application for a Conditional Use Permit to allow the placement of a 6' x 10', non-illuminated sign on the roof, over the entry on the Assembly of God Church

**Project Location:** The project site is located at 95 Bellevue Avenue, at the intersection of Bellevue Avenue and River Street.



**17.30.260 Signs and nameplates.**

(1) On-Site Signs. Nameplates (which shall be limited to a statement of the name, address and occupational designation of the occupant) and signs shall be permitted in conformity with the following regulations:

(a) One nameplate, not illuminated, appurtenant to any permitted use, not exceeding two square feet shall be permitted in urban residential, suburban residential, or suburban zones, and not exceeding four square feet shall be permitted in all other zones.

(b) One sign, not illuminated, to advertise the sale of property on which it is displayed and not exceeding six square feet shall be permitted in any zone; not exceeding 15 square feet shall be permitted in any CC, NC, or TC zone.

(c) Signs, not illuminated and not exceeding 100 square feet in aggregate, to advertise the sale of lots in the subdivision in which they are displayed shall be permitted with a use permit in any zone.

(d) Signs, not illuminated, appurtenant to any permitted use, not over 75 square feet in the aggregate and divided into not more than three single or double signs shall be permitted with a use permit in any zone except urban residential, suburban residential, or suburban zones.

(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs, shall be permitted in any CC zone.

(f) Traffic or other municipal signs, legal notices, railroad crossing signs, public telephone signs, signs placed by a public utility showing the location of underground facilities, danger and such temporary, emergency or non-advertising signs as may be approved by the City Council shall be permitted in all districts without the necessity of obtaining a use permit.

(g) No permit for any sign shall be issued and no sign shall be constructed or maintained which does not comply with all provisions of this title or which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the State of California or rules and regulations duly promulgated by agencies thereof.



**INSTRUCTIONS:**

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule a Pre-Application meeting with the Community Development Department. A minimal fee is required for the meeting. This is not a mandatory meeting, however, Pre-Application meeting will identify potential issues associated with the project and could help avoid processing delays.
3. Applicant/Agent must submit all marked items on the reverse side of this form.

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**AGENT** (Communications from the City will be directed to agent.)

Business Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, St, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**OWNER(S) OF RECORD** (If different from applicant.)

Owner's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, St, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

Owner's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, St, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**PROJECT LOCATION**

Address: 95 Bellevue, Rio Dell Parcel Size (acres or sq. ft.) 1/2 Acre  
Assessor Parcel Number(s) 52-181-11

**SECTION II**

**PROJECT DESCRIPTION** Describe the proposed project (attach additional sheets if necessary)

ERECT A 6 X 10 FOOT SIGN ON THE FLAT PART  
OF THE ROOF ABOVE THE ENTRY WAY. A ROUGH DRAWING WAS  
SUBMITTED IN FEB. ATTACHED IS VERY CLOSE TO WHAT IT  
WILL LOOK LIKE.

**SECTION III**

**OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT**

I hereby authorize the City of Rio Dell to process this application for a development permit and further authorize the City of Rio Dell and employees of the California Department of Fish and Game to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are not complete or do not contain truthful and accurate information will be delayed, and may result in denial or revocation of approvals. I further acknowledge that the applicant is responsible to pay 100% of all actual costs based on the City current hourly burdened rates. If processing costs exceed 80% of the deposit, an additional deposit will be required to continue processing the application. The City will not commence with the processing of any application or consultation unless accounts owed the City are paid in full.

\_\_\_\_\_  
Applicant's Signature Date 4-12-13

If the applicant is not the owner of record: I hereby authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.

\_\_\_\_\_  
Owner of Record Signature Date \_\_\_\_\_  
\_\_\_\_\_  
Owner of Record Signature Date \_\_\_\_\_



Assembly of God Church  
Proposed 6' x 10' Non-Illuminated Sign

RESOLUTION NO. PC 062 – 2013



RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
RECOMMENDING APPROVAL OF THE JOURNEY (ASSEMBLY OF GOD)  
CONDITIONAL USE PERMIT FOR A 6' X 10' SIGN:

**WHEREAS** the Assembly of God Church has made application for a Conditional Use Permit to allow the placement of a 6' x 10' (60 square feet), non-illuminated sign on the existing roof over the entry to the church; and

**WHEREAS** Section 17.30.260(d) of the Rio Dell Municipal Code allows signs, not illuminated, appurtenant to any permitted use, not over 75 square feet in the aggregate and divided into not more than three single or double signs with a Conditional Use Permit in any zone except urban residential, suburban residential, or suburban zones; and

**WHEREAS** the parcel (APN 052-181-011) is zoned Rural. The Rural or R zone is intended to provide for agricultural and very low density residential uses; and

**WHEREAS** civic and cultural uses are allowed with a Conditional Use Permit in the Rural zone; and

**WHEREAS** a Conditional Use Permit to facilitate construction of the church was approved in 1977. Therefore the use (church) is a permitted use; and

**WHEREAS** there is an existing 14 square foot sign in front of the church. Therefore, with the addition of the proposed 6' x 10' (60 square feet) sign, the appurtenant signage will not exceed the seventy five (75) square foot limit; and

**WHEREAS** it's anticipated that the height of the sign will be less than fifteen (15) feet. The Rural zoning designation allows a maximum building height of 45 feet; and

**WHEREAS** the City processed the application pursuant to Section 17.35.030 of the Rio Dell Municipal Code; and

**WHEREAS** the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Rio Dell finds that:

- The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of Rio Dell Municipal Code; and
- The proposed use is consistent with the General Plan and any applicable specific plan; and
- The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
- The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
- Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- The project is Categorically Exempt pursuant to Class 1 and Class 3, Sections 15301 and 15303 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Section 15301 applies to the repair, maintenance and minor alteration of existing structures. Section 15303 applies to the construction or conversion of small structures.

**I HEREBY CERTIFY** that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on May 14, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gary Chapman Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 061-2013 adopted by the Planning Commission of the City of Rio Dell on April 24, 2013.

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Karen Dunham  
City Clerk, City of Rio Dell

# Notice of Exemption

Appendix E

To: ☐ Office of Planning and Research  
P.O. Box 344, Room 212  
Sacramento, CA. 95812-4044

☒ County Clerk  
County of Humboldt  
825 Fifth Street  
Eureka, CA. 95501

From: (Public Agency)

**City of Rio Dell**  
**675 Wildwood Avenue**  
**Rio Dell, CA. 95562**

Project Title: **Assembly of God (Journey) Church Conditional Use Permit**

Project Applicant: **Assembly of God (Journey) Church**

Project Location - Specific

**The project site is located in the City of Rio Dell on property known as 95 Bellevue Avenue**

Project Location – City: **Rio Dell**

Project Location – County: **Humboldt**

Description of Nature, purpose and Beneficiaries of Project:

**The Assembly of God Church has made application for a Conditional Use Permit to allow the placement of a 6' x 10' (60 square feet), non-illuminated sign on the existing roof over the entry to the church. The proposed sign will not extend above the existing ridge line of the building.**

Name of Public Agency Approving Project: **City of Rio Dell**

Name of Person or Agency Carrying Out Project: **Jeff Miller, Pastor, Assembly of God (Journey)**

Exempt Status: (check one)

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: **Minor Alteration to Existing Structures, Section 15301 and Construction of Small Structures, Section 15303**

☐ Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

**The proposed project is the placement of a 6' x 10' non-illuminated sign on the existing roof over the entry to the church. The proposed sign will not extend above the existing ridge line of the building.**

Lead Agency **Kevin Caldwell**  
Contact Person: **Community Development Director**

Area Code/Telephone/Extension: **(707) 764-3532**

**If filed by applicant:**

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project ☐ Yes ☐ No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: **Community Development Director**

☒ Signed by Lead Agency ☐ Signed by Applicant Date received for filing at OPR: \_\_\_\_\_

Authority cited: Section 21083 and 21110, Public Resources Code


Reference: Sections 21108, 21152 and 21152.1, Public Resources Code

Revised 2011



For Meeting of: May 14, 2013

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: May 2, 2013

Subject: Non Conforming Regulations Text Amendment  
Section 17.30.160 Rio Dell Municipal Code

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**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding the proposed text amendment;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Find that:
  - (a) The proposed text amendment is consistent with an overall comprehensive view of the General Plan; and
  - (b) The proposed text amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);
4. Adopt Resolution No. PC 063-2013 recommending approval of the text amendment to the Rio Dell City Council.

## **Background/Summary**

Staff is often contacted by lending institutions regarding the ability to rebuild non-conforming uses in the event they are destroyed or damaged by fire, flood or an earthquake. Non-conforming uses are those uses which were legally established but are no longer identified as an allowed use in the zone they are located or pre-existed prior to the effective date of the City's zoning regulations.

The current non-conforming regulations (Attachment 1) only allow the restoration or reconstruction of non-conforming uses so long as the damage does not exceed 60% or more of the current market value of the structure. However, there is an exception for owner-occupied, one story structures in the Town Center zone. The exception provision allows the restoration or reconstruction of owner occupied single story homes in the Town Center zone, regardless of the degree of damage. Staff is not sure why this provision was limited to owner-occupied units in the Town Center zone.

Staff estimates that there are *at least* 25 – 30 legal non-conforming residential uses throughout the City. The inability to rebuild these non-conforming uses (residences) that are damaged more than 60% of the current market value of the structure could pose a financial hardship not only on the owner's but for the lenders as well. In addition, the City's Housing Element contains policies that encourage the maintenance, enhancement and improvement of the City's housing stock. As such, staff is recommending that the Planning Commission consider recommending a similar exception that's allowed in the Town Center zone for owner-occupied residences in all commercial zones.

Another issue related to non-conforming uses that has been brought to staff's attention relates to a property owner's ability to do ordinary repairs and maintenance. The current non-conforming provisions, Section 17.30.160(5), limit the maintenance and repairs to no more than 25% of the actual value of the structure in any one year. Locally, only the City of Ferndale limits maintenance and repairs to no more than 25% of the actual value of the structure in any one year. Ferndale's zoning regulations were prepared by the same land use consultant that prepared our regulations. All other local jurisdictions allow the maintenance and repair of non-conforming uses and structures without limitation.

It should be pointed out that although the use (for example residential uses in commercial zones), may be non-conforming, the structure itself could be used for future commercial uses. Many times former residences are converted to office uses. To discourage the maintenance and repairs to existing buildings is not in the best interest of the City.

## **Procedures for Zoning Ordinance Amendments**

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

#### **Zone Reclassification Required Finding:**

#### **1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

The General Plan (Housing Element) contains goals and policies that encourage the maintenance and improvement of the City's *existing* housing stock. In addition, the General Plan contains goals to enhance the character and overall appearance of the City.



The current non-conforming provision limits the maintenance and repairs to not more than 25% of the value of the structure. Limiting the repairs not only discourages needed maintenance and repairs, but may also encourage unpermitted activity. Again, it should be pointed out that although the use (for example residential uses in commercial zones), may be non-conforming, the structure itself could be used for future commercial uses. Many times former residences are converted to office uses. To discourage the maintenance and repairs to existing buildings is not in the best interest of the City. Staff believes the existing provision, does just that, discourages the maintenance and repairs on non-conforming uses and structure. Staff believes the proposed amendments are consistent with an overall comprehensive view of the General Plan.

## **2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).**

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendment will have a significant effect on the environment.

### **Financial Impact**

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

### **Alternatives**

The Planning Commission may choose not to recommend approval of the proposed amendments. Staff does not recommend this alternative.

**Attachments:**

1. Existing Non-Conforming provisions, including recommended revisions.
2. Resolution No. PC 063-2013 recommending approval of the text amendment to the Rio Dell City Council
3. Draft Ordinance No. 301-2013 amending Section 17.30.160 of the Rio Dell Municipal Code.

### 17.30.160 Nonconforming uses.

The lawful use of lands or buildings existing on the effective date of the application of these regulations to the subject property, although such use does not conform to the regulation applied to such subject property, may be continued, except as provided herein.

(1) No such use or building shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property, except as follows:

(a) A nonconforming building may be enlarged, increased or structurally altered where (i) such building modification is required for reason of public health or safety, or (ii) where such modification will not increase the degree of nonconformance of the subject building with respect to the height and area regulations of the zone in which it is located.

(2) Any use for which a use permit is required by these regulations shall be considered a nonconforming use until a use permit is obtained.

(3) If 60 percent or more of the market value of any such land or building is destroyed, as determined by the building official, then the property shall become subject to the zoning regulations applicable to the principal zone, and any subsequent use or buildings shall be in accordance with such regulations, with the following exception:

~~(a) An existing owner-occupied one-story structure in the town center zone may be restored to its original condition or may be expanded within lot setbacks.~~

(a) A nonconforming owner-occupied residence that is destroyed or damaged by any casualty, may be restored within two (2) years after such destruction or damage but shall not be enlarged except as provided in Section 17.30.160(1)(a) of this Code.

(4) Any interruption of a nonconforming use, or the use of a nonconforming building, which continues for 12 months or more shall be deemed to be an abandonment of such use, and subsequent use of buildings shall be in accordance with the regulations applicable to the subject property.

~~(5) Ordinary maintenance and repair may be made to any nonconforming use or building; provided, that such maintenance and repair does not exceed 25 percent of the actual value in any one year.~~

(5) Ordinary maintenance and repair may be made to a nonconforming structure or a structure in which a nonconforming use is conducted, but no such structure that is declared by any authorized City official to be a public nuisance by reason of physical condition shall be restored, repaired or rebuilt.

(6) Any use coming within the provisions of RDMC 17.30.050, concerning domestic animals appurtenant to residential uses, shall, after the expiration of 18 months from the effective date of the ordinance codified in this section, conform to the provisions of RDMC 17.30.050. [Ord. 252 § 7.60, 2004.]

**RESOLUTION NO. PC 063 – 2013**



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
RECOMMENDING APPROVAL OF AMENDING THE NON-CONFORMING  
REGULATIONS, SECTION 17.30.160 OF THE RIO DELL MUNICIPAL CODE:**

**WHEREAS** staff is often contacted by lending institutions regarding the ability to rebuild non-conforming uses in the event they are destroyed or damaged by fire, flood or an earthquake; and

**WHEREAS** non-conforming uses are those uses which were legally permitted but are no longer identified as an allowed use in the zone they are located or pre-existed prior to the effective date of the City's zoning regulations; and

**WHEREAS** the current non-conforming regulations only allow the restoration or reconstruction of non-conforming uses so long as the damage does not exceed 60% or more of the current market value of the structure; and

**WHEREAS** there is an exception for owner-occupied, one story structures in the Town Center zone that allows the restoration or reconstruction of owner occupied single story homes in the Town Center zone, regardless of the degree of damage; and

**WHEREAS** staff estimates that there are *at least* 25 – 30 legal non-conforming residential uses throughout the City; and

**WHEREAS** the inability to rebuild these non-conforming uses (residences) that are damaged more than 60% of the current market value of the structure could pose a financial hardship not only on the owner's but for the lenders as well; and

**WHEREAS** the City's Housing Element contains policies that encourage the maintenance, enhancement and improvement of the City's housing stock; and

**WHEREAS** another issue related to non-conforming uses that has been brought to staff's attention relates to a property owner's ability to do ordinary repairs and maintenance; and

**WHEREAS** the current non-conforming provisions, Section 17.30.160(5), limit the maintenance and repairs to no more than 25% of the actual value of the structure in any one year; and

**WHEREAS** with the exception of the City of Ferndale, all other local jurisdictions allow the maintenance and repair of non-conforming uses and structures without limitation; and

**WHEREAS** the use (for example residential uses in commercial zones), may be non-conforming, the structure itself could be used for future commercial uses; and

**WHEREAS** many times former residences are converted to office uses and to discourage the maintenance and repairs to existing buildings is not in the best interest of the City

**WHEREAS** the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; and

**WHEREAS** the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments to the Non-Conforming Regulations, Section 17.30.160 of the Rio Dell Municipal Code.

**I HEREBY CERTIFY** that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on May 14, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gary Chapman, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 063-2013 adopted by the Planning Commission of the City of Rio Dell on May 14, 2013.

---

Karen Dunham  
City Clerk, City of Rio Dell

**ORDINANCE NO. 301 – 2013**



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING THE NON-CONFORMING REGULATIONS, SECTION 17.30.160 OF THE  
RIO DELL MUNICIPAL CODE:

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

**WHEREAS** staff is often contacted by lending institutions regarding the ability to rebuild non-conforming uses in the event they are destroyed or damaged by fire, flood or an earthquake; and

**WHEREAS** non-conforming uses are those uses which were legally permitted but are no longer identified as an allowed use in the zone they are located or pre-existed prior to the effective date of the City's zoning regulations; and

**WHEREAS** the current non-conforming regulations only allow the restoration or reconstruction of non-conforming uses so long as the long as the damage does not exceed 60% or more of the current market value of the structure; and

**WHEREAS** there is an exception for owner-occupied, one story structures in the Town Center zone that allows the restoration or reconstruction of owner occupied single story homes in the Town Center zone, regardless of the degree of damage; and

**WHEREAS** staff estimates that there are *at least* 25 – 30 legal non-conforming residential uses throughout the City; and

**WHEREAS** the inability to rebuild these non-conforming uses (residences) that are damaged more than 60% of the current market value of the structure could pose a financial hardship not only on the owner's but for the lenders as well; and

**WHEREAS** the City's Housing Element contains policies that encourage the maintenance, enhancement and improvement of the City's housing stock; and

**WHEREAS** another issue related to non-conforming uses that has been brought to staff's attention relates to a property owner's ability to do ordinary repairs and maintenance; and

**WHEREAS** the current non-conforming provisions, Section 17.30.160(5), limit the maintenance and repairs to no more than 25% of the actual value of the structure in any one year; and

**WHEREAS** with the exception of the City of Ferndale, all other local jurisdictions allow the maintenance and repair of non-conforming uses and structures without limitation; and

**WHEREAS** the use (for example residential uses in commercial zones), may be non-conforming, the structure itself could be used for future commercial uses; and

**WHEREAS** many times former residences are converted to office uses and to discourage the maintenance and repairs to existing buildings is not in the best interest of the City

**WHEREAS** the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; and

**WHEREAS** the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.



**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Rio Dell does hereby ordain as follows:

**Section 1.** The Non-Conforming Regulations, Section 17.30.160 of the Rio Dell Municipal Code is hereby amended as follows:

**17.30.160 Nonconforming uses.**

The lawful use of lands or buildings existing on the effective date of the application of these regulations to the subject property, although such use does not conform to the regulation applied to such subject property, may be continued, except as provided herein.

(1) No such use or building shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property, except as follows:

(a) A nonconforming building may be enlarged, increased or structurally altered where (i) such building modification is required for reason of public health or safety, or (ii) where such modification will not increase the degree of nonconformance of the subject building with respect to the height and area regulations of the zone in which it is located.

(2) Any use for which a use permit is required by these regulations shall be considered a nonconforming use until a use permit is obtained.

(3) If 60 percent or more of the market value of any such land or building is destroyed, as determined by the building official, then the property shall become subject to the zoning regulations applicable to the principal zone, and any subsequent use or buildings shall be in accordance with such regulations, with the following exception:

~~(a) An existing owner-occupied one-story structure in the town-center zone may be restored to its original condition or may be expanded within lot setbacks.~~

(a) A nonconforming owner-occupied residence that is destroyed or damaged by any casualty, may be restored within two (2) years after such destruction or damage but shall not be enlarged except as provided in Section 17.30.160(1)(a) of this Code.

(4) Any interruption of a nonconforming use, or the use of a nonconforming building, which continues for 12 months or more shall be deemed to be an abandonment of such

use, and subsequent use of buildings shall be in accordance with the regulations applicable to the subject property.

~~(5) Ordinary maintenance and repair may be made to any nonconforming use or building; provided, that such maintenance and repair does not exceed 25 percent of the actual value in any one year.~~

(5) Ordinary maintenance and repair may be made to a nonconforming structure or a structure in which a nonconforming use is conducted, but no such structure that is declared by any authorized City official to be a public nuisance by reason of physical condition shall be restored, repaired or rebuilt.

(6) Any use coming within the provisions of RDMC 17.30.050, concerning domestic animals appurtenant to residential uses, shall, after the expiration of 18 months from the effective date of the ordinance codified in this section, conform to the provisions of RDMC 17.30.050. [Ord. 252 § 7.60, 2004.]

## **Section 2. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## **Section 3. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

## **Section 4. CEQA Compliance**

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance.

## **Section 5. Effective Date**

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 4, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 18<sup>th</sup> of June 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 301-2013 adopted by the City Council of the City of Rio Dell on June 18, 2013.

---

Karen Dunham  
City Clerk, City of Rio Dell

## Land Use Matrix

UR = Urban Residential; SR = Suburban Residential; SM = Suburban Medium; R = Rural; TC = Town Center; CC = Community Commercial; NC = Neighborhood Center; I = Industrial; IC = Industrial Commercial; NR = Natural Resources; PF = Public Facilities

Use Type	UR	SR	SM	R	TC	CC	NC	I	IC	NR	PF
Non-Residential Use Types											
Administrative Offices*								P	P		
Adult Entertainment					C						
Aggregate Resources Production*										C	
Amusement Arcades*											
Antique Shops*					P		P				
Apartments on upper floor of multistory buildings					P						
Appliance and Household Goods Sales and Service*					P		P				
Art Galleries*					P		P				
Artisan Studios and Showrooms*					C						
Assisted Living Facilities*											
Audio-Video Stores*					P		P				
Automobile Gas Stations*						P	P				
Automotive Sales, Service and Repair (contained entirely within a building)						P	P				
Automobile (Motor Vehicle) Repair, Maintenance and Fueling									P		
Automobile Wrecking Yards*											
Bakeries*					P		P				
Banks and Financial Institutions w/o drive-up facilities*					P		P				
Banks and Financial Institutions with drive-up facilities*							P				
Bars (Licensed Premises)					C						

P = Principally Permitted

C = Conditionally Permitted

\*Asterisk – No definition

Blue Type = Use Currently Not Identified

Green Type = Use Not Specifically Identified, But Similar

Use Type	UR	SR	SM	R	TC	CC	NC	I	IC	NR	PF
Bars (Licensed Premises) Appurtenant to Restaurants					P		P				
Barbershops*					P		P				
Bed and Breakfast Establishments*					C						
Bed and Breakfast Establishments in a Mixed Use Building*						P	C				
Beauty Salons*					P		P				
Bicycle Sales, Rentals & Repairs*					P						
Billiard Halls*											
Boarding and Rooming Houses*						P	C				
Bookstores*					P		P				
Bowling Alleys*					P						
Business and Professional Offices ( Accountants, Architects, Engineers, Financial Advisors, Lawyers, Medical and Dental Offices)*							P				
Caretaker's Apartment*											C
Carpentry and cabinet-making shops*						C		P	P		
Caterers*											
Cemeteries*											
Child Care*									C		
Churches, Places of Worship* (Allowed in UR w/CUP)											
Civic Uses and Cultural Organizations*					C		P				
Civic Uses and Cultural Organizations, including City offices and other government services and City parking facilities*					C	C	P				
Clothing and Apparel Businesses*					P		P				
Clothing Manufacturers*						C		P	P		
Coffee Shops*					P						

P = Principally Permitted

C = Conditionally Permitted

\* Asterisk – No definition

Blue Type = Use Currently Not Identified

Green Type = Use Not Specifically Identified, But Similar

Use Type	UR	SR	SM	R	TC	CC	NC	I	IC	NR	PF
Commercial Recreation means recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.											
Community Care Facilities*											
Contractor's Yards*						C					
Court Sport Facilities – Indoor*											
Court Sport Facilities – Outdoor*											
Day Care Centers*						P	C				
Drug Stores*					P		P				
Dry Cleaning (Not including processing plants)*					P		P				
Dry Cleaning/Laundry Plants*											
Florist*					P		P				
Frame (Art) Shops*					P						
Fruit & Vegetable Markets/Stands*					P						
Funeral Homes*											
Furniture Stores/Sales*					P		P				
Gift Shops*					P						
Go-Cart Tracks – Indoors*											
Go-Cart Tracks – Outdoors*											
Grocery Stores – Supermarkets*					P	P	P				
Gun Ranges and Clubs – Indoor*											
Gun Ranges and Clubs – Outdoor*											
Handicraft Manufacture*						C		P	P		
Hardware Stores*					P		P				

P = Principally Permitted

C = Conditionally Permitted

\*Asterisk – No definition

Blue Type = Use Currently Not Identified

Green Type = Use Not Specifically Identified, But Similar

Use Type	UR	SR	SM	R	TC	CC	NC	I	IC	NR	PF
Health Clubs (Gyms)*					P						
Health Spas*					P						
Hobby and Craft Shops*					P						
Hospitals*											
Hotels and Motels*					C	C			C		
Hotels and Motels in a mixed use building*						C					
Kennels and Animal Boarding*								P	P		
Laundromats*					P		P				
Live-Work Units*					C						
Lodging Uses, including Lodging Provided as Part of the Civic or Cultural Use*											P
Lumber Yards*						C		P	P		
Management for Fish and Wildlife Habitat*										P	
Manufacturing*								P	P		
Manufacturing -- Heavy*											
Manufacturing -- Light (Conducted entirely within a building)*						P					
Massage Establishments*											
Metal Working Shops*								P	P		
Mortuaries*											
Movie Theaters*					P						
Museums*					P						
Nurseries and Greenhouses*							P				
Painters and Decorators Yards*						C		P			
Pawn Shops* (Retail Sales?)											

P = Principally Permitted

C = Conditionally Permitted

\*Asterisk -- No definition

Blue Type = Use Currently Not Identified

Green Type = Use Not Specifically Identified, But Similar



Use Type	UR	SR	SM	R	TC	CC	NC	I	IC	NR	PF
Penal, Correctional or Detention Institutions and Facilities for the Care of Mental Patients*											C
Pet Shops*							P				
Plumbing Shops*						C		P			
Power Generation*								P			
Printing and Lithographic Shops*						C		P			
Public Buildings, including City Hall, Fire Stations, Libraries, Courts, Museums, Auditoriums, Hospitals and Similar Uses*											
Public Corporation Yards, Shops, Repair and Storage Yards and Buildings*											
Public Facilities, including wastewater treatment facilities*									P		
Public Fairgrounds and Related Uses*											P
Public Garages*							P				
Public Recreation where compatible with resource management and protection*										P	
Public Schools, Parks, Playgrounds and Recreational Facilities*											P
Recreation Vehicle Parks						C					
Recycling Facilities											
Renewable Energy Development*										C	
Research and Development*								P	P		
Research and Light Industrial*								P	P		
Resource Protection*										P	
Restaurants*					P		P				
Restaurants and Appurtenant Licensed Premises (Bars)					P		P				

P = Principally Permitted C = Conditionally Permitted

\*Asterisk – No definition

Blue Type = Use Currently Not Identified

Green Type = Use Not Specifically Identified, But Similar



Use Type	UR	SR	SM	R	TC	CC	NC	I	IC	NR	PF
Restaurants with Sidewalk Cafés*											
Retail Establishments – Large*						P					
Second Hand Stores*							P				
Shoe Repair*					P		P				
Skating Rinks*											
Sporting Good Stores*					P		P				
Storage Warehouses - Private							P				
Storage Public Enclosed (Mini Storage)											
Studios*							P				
Swim Clubs*											
Tailors*					P		P				
Telecommunication Facilities and Manufacturing*								P	P		
Timber Production with TPZ Overlay*										C	
Variety Stores*					P		P				
Vehicle Storage – Indoor*											
Vehicle Storage – Outdoor*											
Veterinarians (Small Animals) (Completely enclosed within a building)*						C	C	P	P		
Veterinarians (Large Animals)*								C	P		
Visitor Serving Uses*										C	
Wetland/Watershed restoration*										P	
Wholesale Outlet Stores*						C		C			
Wood Products Manufacturing*								P	P		

P = Principally Permitted

C = Conditionally Permitted

\* Asterisk – No definition

Blue Type = Use Currently Not Identified

Green Type = Use Not Specifically Identified, But Similar

**17.30.200 Public uses.**

Public uses, as defined herein, shall be permitted in any PF zone and shall obtain a use permit prior to locating in all other zones. Proposed public uses relating to the acquisition of rights-of-way shall be submitted to the Planning Commission for recommendation at least 30 days prior to acquisition. [Ord. 252 § 6.14, 2004.]

**17.30.210 Public utility buildings and uses.**

Public utility buildings and uses, including but not limited to communication equipment buildings, substations, generating plants, geometers and transmission facilities shall be classified as quasi-public uses. [Ord. 252 § 6.15, 2004.]

**17.30.220 Quasi-public uses.**

Quasi-public uses, including public utility uses, shall be permitted in the PF zone without a use permit and may be permitted in other zones subject to the securing of a use permit; provided, however, that lines and facilities for local service shall be permitted in all zones, and that the locations of proposed transmission lines shall be discussed with and approved by the City Council prior to the acquisition of rights-of-way therefor. [Ord. 252 § 6.16, 2004.]